

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARISELA MANZO-TORRES)	CASE NO. C04-1663-RSM
and OSCAR OLVERA,)	
)	
Petitioners,)	
)	ORDER OF DISMISSAL
v.)	
)	
JOHN D. ASHCROFT, et al.,)	
)	
Respondents.)	
_____)	

The Court, having reviewed the Petition for Writ of Habeas Corpus, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and any objections or responses to that, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation;
- (2) The Petition for Writ of Habeas Corpus (Dkt. #1) is GRANTED;
- (3) This matter is REMANDED to the Board of Immigration Appeals for consideration of petitioner's application for cancellation of removal;
- (4) Respondents' motion to dismiss (Dkt. #16) is DENIED; and
- (5) The Clerk shall send a copy of this Order to all counsel of record, and to the Honorable Mary Alice Theiler.

DATED this _20_ day of May, 2005.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE